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In re Application of
Rushbrooke et al.
Application No. 10/501,616
PCT No.: PCT/GB02/00353
Int. Filing Date: 28 January 2002
Earlier Priority Date: None
Atty. Docket No.: C1165.03/C
For: X-Ray Inspection System And Method

COMMUNICATION

This is in response to the renewed submission under 37 C.F.R. 1.42 filed on 25 May 2005.

DISCUSSION

In a decision mailed on 07 April 2005, the papers under 37 CFR 1.42 filed on 07 February 2005 were not accepted, without prejudice, because

The newly submitted declaration fails to comply with 37 CFR 1.497(b)(2) because it does not state "the facts which the inventor would have been required to state" (i.e., the former citizenship, residence and mailing address of John Gordon Rushbrooke), and because it does not state the citizenship of the executor. As such, it would not be appropriate to accept the declaration.

The instant renewed submission is accompanied by a new declaration signed by Justin Rushbrooke, identified as "executor," on behalf of deceased inventor John Gordon Rushbrooke. The declaration does not explicitly provide the "residence" information for either of Justin Rushbrooke or John Gordon Rushbrooke. It is presumed that the "residence" information is the same as the respective "mailing address" information for each of Justin Rushbrooke and John Gordon Rushbrooke. If this presumption is incorrect, counsel is required to promptly notify this Office. In view of the totality of the present record, it would be appropriate to accept the declaration filed on 25 May 2005 under 37 CFR 1.42.

CONCLUSION

The declaration is ACCEPTED under 37 CFR 1.42.

This application is being forwarded to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is 25 May 2005.

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